

REMARKS

The above listing of the claims replaces all prior versions, and listings, of claims in the application. Re-examination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Rejections under 35 § USC 102

Claims 1, 4, 6, 8, 9, 14, 15, 17 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Berner (US 3,516,324). This rejection is respectfully traversed.

Berner shows slots in different ends of the device. To overcome this arrangement, independent claims 1 and 17 have been amended to call for the slots to be in parallel planes (essentially) parallel, in the same central portion.

Claims 14 and 15 have been cancelled thus rendering the rejection thereof moot.

It is submitted that the claims as amended are free of anticipation by the Berner reference.

Rejections under 35 USC § 103

1) Claims 1, 6, 8, 9, and 17-19 stand rejected under 35 U.S.C. 103(a) as obvious over Nehl (US 2002/0076297). This rejection is respectfully traversed.

The Nehl arrangement while having through primary slots does not have the claimed through secondary slots. It therefore cannot disclose or suggest the deformable secondary longitudinal anchoring tongues recited in claims 1 and 17. Further, the modification of Nehl so that the blind secondary slots extend all the way though the fastener would break the device up into a six tongue arrangement as different from the intended four (see the last 10 lines of [0010] of Nehl). This would likely reduce the gripping effectiveness of at least two of the four tongues in that the force which is intended to drive the tongues 16, 16 outward would be absorbed due to the through secondary slots permitting the “split” tongues being respectively forced toward one another and not squeezed out in the manner intended. It is therefore submitted that the Nehl arrangement would be at least partially rendered inoperative for its intended purpose by a modification wherein all of the slots were formed as through slots. The rejection based on Nehl is therefore traversed.

2) Claims 4, 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nehl as applied to claim 1 above, and further in view of Berner. This rejection is respectfully traversed.

Inasmuch as Nehl cannot provide the secondary tongues and the slot arrangements Berner are such to be located in different sections of the expandable plug the combination of Nehl and Berner would not lead the hypothetical person of ordinary skill to the claimed subject matter.

3) Claims 10-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Berner or Nehl as applied to claim 1 above, and further in view of Sundstrom (US 5,205,668).

This rejection is respectfully traversed for the same reasons advanced above and further in that Sundstrom is cited as disclosing an anchor having a collar (10), flange (11), projecting appendixes (12) and head (4).

At the time the invention was made, it is asserted it would have been obvious for one of ordinary skill in the art to provide the anchors of Berner and Nehl with the a collar, flange, projecting appendixes and head as disclosed in Sundstrom in order to facilitate the anchor being properly positioned in a hole and preventing its rotation in the hole. However, a quick review of Berner reveals that other than the flange 11 (of Sundstrom) that all of the other structure is already provided and therefore no reason to redundantly transfer teachings between these two references. As to the Nehl reference, a quick review of Figs. 11 and 12 reveal the same situation. Indeed, both primary references are without a flange of the nature found at element 11 in Sundstrom. However this induces the situation wherein it can be asserted to be somewhat of a tendency in the art not to provide such a structure. It is submitted that this would not go unnoticed by the person of ordinary skill.

Conclusion

The claims which stand before the Patent Office are deemed allowable over the art for at least the reasons advanced above. Favorable reconsideration and allowance of this application is therefore courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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